

**ENGAGING
FAMILIES IN CHILD
PROTECTIVE
SERVICES AND
FOSTER CARE
CASES**

A critical aspect of engaging families is to work with them in the context of their culture and ethnicity which may involve:

- Exploring how culture and rituals influence parenting decisions.
- Determining what services and supports will be most effective.
- Honoring tribal practices.

**Cultural
Competency**

Incorporate the Indian culture when planning for services and evaluate the effectiveness of the services to meet the cultural needs of the child(ren) and family in collaboration with the Indian child's tribe.

As an engagement tool, caseworkers may incorporate a DHS-120C, American Indian/Alaska Native Child Welfare Cultural Plan, into case plans and service agreements for all Indian child welfare cases throughout the placement episode; see [Passports for Native Children](#) or at www.tribal-institute.org for guidance. Cultural plans should be logged/scanned into MiSACWIS for the case record.

With involvement of the family and tribe, caseworkers should create a manageable, tribal specific, and age-appropriate cultural plan utilizing the Cultural Activities/Cultural Items examples found on the DHS-120C.

Caseworkers should identify and complete a minimum of one tribally specific item per category (one item for cultural activity and one item for cultural items) for each reporting period. Caseworkers should submit an exception narrative in MiSACWIS for supervisor approval if cultural activities or cultural items are not identified, completed, or procured.

Note: A cultural plan is voluntary for the *client* and is not a court requirement.

**INTERVENTION IN
COURT CASES**

Case Identification

See NAA 200, Identification of Indian Child(ren), NAA 210, Notification of Court Proceeding, MDHHS-5598, American Indian/Alaska Native (AI/AN) Child Tribal Enrollment/Eligibility Verification form, and DHS-120, American Indian/Alaska Native (AI/AN) Court Notification form.

**Safety Planning
and Petitioning the
Court**

When petitioning court for removal, the caseworker must contact the Indian child's tribe to request cooperation in trying to maintain the Indian child in the home before scheduling a case conference or FTM. If the Indian child would be at risk of harm in the home, then a case conference or FTM must be scheduled.

Before petitioning the court to request removal of an Indian child, determine if a voluntary safety plan can be developed by evaluating:

- The types of services or supports that are currently in place that ensure the child's safety at home while the family addresses safety factors that necessitated MDHHS involvement.
- If there are reliable individuals, such as extended family members, teachers, therapists, or school counselors, who have contact with the Indian child on a regular basis and can monitor his or her safety.
- Any additional culturally appropriate services or supports that can be provided to ensure the child's safety.

If petitioning the court for the removal of an Indian child, the caseworker must document that active efforts:

- Were made to provide remedial and rehabilitative services designed to prevent the breakup of the Indian family, **and**
- Were unsuccessful (see NAA 210, Notification of Court Proceeding).

Exception: When an Indian child is in imminent danger of physical damage or harm (see NAA 235, Emergency Placement).

Active Efforts

Contact a child's tribe within **three calendar days** upon assignment of a child welfare case involving court action.

MIFPA (MCL 712B. 1 - 41) and the BIA ICWA Final Rule (25 CFR 23) define active efforts for Indian child welfare cases as administered by the department or contracted services for placement agency foster care (PAFC) for the state of Michigan, see NAA Glossary.

Active efforts, as defined must be provided.

1. Prior to filing a petition in a child custody matter for an Indian child, the active efforts must provide remedial and rehabilitative programs designed to reunify the family.
2. The caseworker must take a proactive approach with clients and actively support them in complying with the service plan.
3. All services, programs and caseworker efforts provided to meet ICWA/MIFPA active efforts requirement must be documented and shown to have failed prior to filing a petition in a child custody proceeding.

Exception: See NAA 235, Emergency Placement, when an Indian child is in imminent danger of physical damage or harm.

4. Indian youth 12 years or older, as developmentally appropriate, must be engaged to solicit their preferences in placement recommendations.

Case Conferencing/ Family Team Meeting

The case conference and FTM documentation must reflect that active efforts were made by the caseworker to maintain the Indian child in the home. If the purpose of the case conference or FTM is to recommend placement of the Indian child outside the home and no representative from the Indian child's tribe attend, contact the tribe to notify of the case conference or FTM results and of any scheduled court proceeding. The caseworker must send a DHS-120, American Indian/Alaska Native (AI/AN) Child Case Notification and attach the MDHHS-5598 American Indian/Alaska Native (AI/AN) Child Tribal Enrollment/Eligibility Verification form, to

provide notice of the court proceeding; see [NAA 210, Notification of Court Proceeding](#).

Requesting Qualified Expert Witness (QEW) Testimony

Caseworkers must contact the tribe's ICWA Designated Tribal Agent or the tribal representative for the child identified by the tribe at engagement to obtain a QEW recommendation when a child custody proceeding is imminent or expected; see NAA 200, Identification of Indian Child(ren).

Return Home

If the issues that placed the Indian child at risk of harm are resolved, the caseworker must recommend the Indian child's immediate return to the home. For juvenile justice case see NAA 500, Juvenile Justice for Indian Child(ren).

CASE RECORD

Once an Indian child is placed under the care and supervision of the department, active efforts must continue and be documented in the services plan and MiSACWIS as follows:

- Children's protective services in the case narrative.
- Foster care in the reasonable efforts section.
- Juvenile Justice in the reasonable efforts section.
- MiSACWIS in the Add ICWA Details page of the Personal ICWA History for each child welfare case (Children's Protective Services, Foster Care, Adoption, Juvenile Justice, and Guardianship).

Proof of Tribal Membership/ Enrollment

If the family has a membership card or verification of tribal enrollment, take a photocopy of the tribal enrollment or identification numbers and upload it in the legal sections of MiSACWIS. Also, document and link tribal affiliation records in the Personal ICWA history Add ICWA Details page(s).

Tribal Custody

If the tribe takes custody of the Indian child, document the acceptance and transfer of custody in MiSACWIS ICWA Details. If provided, file the written verification of the tribe's authority and acceptance of custody in the legal section of MiSACWIS. Transfer forms must also be documented and linked in the Personal ICWA history Add ICWA Details page(s); see [NAA 315, Transfer to Tribal Agency](#), and DHS-120B.

**Timeframes for
Response to
Request for
Records**

The caseworker must provide an Indian child's tribe that is a party to a case or the Midwest Bureau of Indian Affairs (as designated for Michigan by the Secretary of the Interior) all records for every child in all custody proceedings within **seven** calendar days of a request according to PSM 717-4 - 717-6, and SRM 131 (MCL 712B.11).

LEGAL BASIS

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Child Protection Law, 1975 PA 238, as amended; MCL 722.621 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.